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Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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CHAPTERS 37-38

Agriculture and Rural Credits

DEPARTMENT OF AGRICULTURE

6024. Powers and duties.

Commissioner of agriculture shall fix standards for grading apples. Laws 1941, c. 371.

(e).

Commissioner of Agriculture may enter into a cooperative agreement with United States Department of Agriculture whereby inspectors of state department are licensed by United States department to inspect and grade and issue federal, or federal-state grading certificates, though fees covering grading certificates are collected and paid directly into federal treasury, which in turn refunds state portion of grading fees to state treasury, subject to approval of the attorney general. Op. Atty. Gen. (136), Sept. 5, 1940.

RURAL CREDITS

6033-1. As to acquisition, lease, or sale property—Powers and duties of conservator.—The Conservator of Rural Credit may, in the name of the State, acquire, own, hold, lease, sell and convey such property, real, personal or mixed, as may be necessary, convenient and proper for the transaction of the business of the Department; and to effect the sale of such property may, in his discretion, engage the services of brokers or agents to sell real estate and pay a commission for services so rendered of not to exceed 3% of the sale price covering such real estate provided that at least 25% of the purchase price is paid when possession thereof is given to the purchaser under the terms of such sale and of not to exceed 4% of the sale price covering such real estate provided that at least 40% of the purchase price is paid when possession thereof is given to the purchaser under the terms of such sale, and provided further that no commission shall be paid unless a sale is actually effected by said agent. (As amended Act Apr. 17, 1941, c. 287, §1.)

Sec. 2, Act 288, Apr. 17, 1941, provides that the act shall take effect from its passage.

6038. Assumption of mortgage by purchaser of land—Etc.

State's title is subject to liens for assessments for drainage improvements theretofore made, proper lien statements having been filed and recorded prior to giving of mortgage by owner to state. State v. Washington County, 292NW204. See Dun. Dig. 245d.

The state's title to lands acquired by foreclosure of "rural credits" mortgages is subject to tax liens accruing while the mortgages were in effect, and same rule necessarily follows where state has sold land acquired through foreclosure to a purchaser who covenants to pay taxes assessed against land during continuance of his contractual ownership and whose rights thereto are subsequently canceled by statutory notice of default. Id. See Dun. Dig. 245d.

6039-1. Compositions with mortgagors—Application to district court—Review.—Whenever the Conservator upon his own initiative or upon an application by a mortgagor, is of the opinion that real estate held as security by the State of Minnesota is worth less than the amount due on the indebtedness secured by the same, and the Conservator is able to liquidate said indebtedness by a satisfactory cash settlement, and whenever the Conservator, upon the written application by a contract vendee under the Crop Payment Plan who has fully complied with all the terms and provisions of his contract, is of the opinion that the real estate so sold by the State of Minnesota is worth less than the amount then due thereon and is of the opinion that the amount offered in payment by said contract vendee is commensurate with the then value of said real estate, he may enter into an amended contract for the sale of such land to such purchaser, upon the payment by said purchaser of not less than 25 per cent of such compromised purchase price, the balance thereof to be amortized over a period of not to exceed 20 years, he shall present a verified petition to the Judge of the District Court of the

county where such lands are located setting forth the facts, and said judge, if satisfied that it is for the best interest of the state, may hear such petition, either with or without notice, and make his order granting such petition, and authorizing the Conservator to compromise said indebtedness as requested in said petition. Said petition shall be verified by the Conservator and shall contain a complete recital of all the material facts, including an appraisal of the premises in question, made under the direction of the Conservator, accompanied by photographs of all the buildings, said appraisal shall set forth in detail the type and nature of the land, the condition and state of repairs of the buildings, and other improvements, its location with reference to highways and markets, the amount of crops raised on said premises during the past five years immediately preceding the filing of said petition whenever available, and all such other facts as may aid said judge in arriving at a conclusion, including a report of the State Tax Commission as to the value of the land. There shall also be attached the offer of composition by the debtor and his statement setting forth his assets and liabilities signed and verified by him. The Conservator shall add his recommendation to the petition relating to the offer of the debtor. The petition and all other papers in the matter, including the orders of the court shall be filed with the clerk thereof. The Conservator shall prepare the necessary blanks for use in preparing offers and financial statements by the debtors. The court may request the debtor to be present when his offer is being considered and he may be examined with reference to it. A notice stating the time and place when the petition shall be submitted to the court shall be given by the Conservator to the debtor. Such notice shall be mailed to said debtor not less than five days previous to the court hearing of such bids. The said court at its own discretion or upon application by the Conservator may order an additional appraisal of such land, and the same shall be made and filed with the court. Such appraisal shall be made independently of appraisals theretofore made at the direction of the Conservator.

The judge of said court is hereby authorized on his own motion and the request of the Conservator to request some outside judge to assist him with a prompt disposition of the proceedings under this act. The said court shall pass on and determine all proceedings submitted to it under this act at any general of (or) special term or in chamber or during vacation of the court and all orders shall be filed within five days after the matter has been submitted. Arbitrary action of the Conservator may be reviewed by a writ of certiorari returnable in the District Court of Ramsey County, Minnesota.

Whenever the Conservator, upon the written application by contract vendee under the Crop Payment Plan who has fully complied with all the terms and provisions of his contract, requesting only an extension of time of payment thereunder, is of the opinion that such request is reasonable, may, in his discretion, extend the terms of amortization payment plan in such contract for a period of not to exceed five years, under such terms and conditions as he may prescribe. (As amended Act Apr. 18, 1941, c. 308, §1.)

6040. Title to property to run to State of Minnesota.—(a) * * * * *

(b) The property, real, personal and mixed, acquired by the Department shall be sold by the Conservator at its fair value at time of sale, in such manner and on such terms as may be provided by the regulations adopted by him. In making sales of real estate the Conservator shall have regard for the state

of the market and shall make sales thereof in such manner and at such times as not to depress unduly the market for farm lands, and shall, if in his judgment the best interests of the State and of the public will be served thereby, defer such sales until such time as they may be made without undue loss to the State or undue impairment of the market value of farm lands within the state. No land shall be sold by the conservator for an amount less than the indebtedness accrued thereon at the time of the acquisition of title by the Department, but if the Conservator shall determine that a sale of any such land cannot be made for the full amount accrued against it at the time of such acquisition and that further loss to the state would probably result if it be not then sold he may sell any such land for less than said amount upon the approval of such sale by a judge of the District Court of Ramsey County, Minnesota, in the same manner as provided by Section 6039-1.

If a former owner desires to repurchase a farm heretofore mortgaged by him to the State of Minnesota and acquired by the state, either through mortgage foreclosure or by the taking of a deed, the Conservator is hereby authorized to sell said farm for an amount equal to the reasonable long term contract of the same, on a crop payment plan as provided in Section 6039-2, provided the state is still the owner of said farm and has not conveyed the same either by deed or by contract for deed. In such cases the former owner shall make application in writing to the Conservator for the purchase of said farm, stating whether or not he desired to buy the same on a crop share payment plan, and after the filing of said application the Conservator shall not consider bids from other prospective purchasers until he has first disposed of said application either by accepting or rejecting the same.

Should the former owner not avail himself of the crop payment plan, within thirty days after being notified by registered mail by the Conservator regarding the same, then and in that event the Conservator is hereby authorized to offer said farm for sale on a crop payment plan as provided in Section 6039-2, with a down payment of at least fifteen per cent, to any bona fide farmer who, in his opinion, is capable of operating said farm in a good and husbandlike manner, for an amount equal to the reasonable value of the same. (As amended Act Apr. 17, 1941, c. 289, §1.)

(c). * * * * *

State of Minnesota v. Washington County, 292NW204; note under §6038.

6045. Administrative expenses.—The Department may transfer from the Expense Fund to the Rural Credits Interest Fund any surplus not required for administrative expenses. Temporary loans also may be made from the Expense Fund to meet maturing obligations to be paid out of the Rural Credit Fund or the Rural Credit Interest Fund, such loans to be returned as soon as practicable. Temporary loans may also be made from the Rural Credit Fund to meet maturing obligations to be paid out of the Rural Credit Interest Fund, such loans to be returned when needed to meet maturing obligations to be paid out of the Rural Credit Fund. The Department shall from time to time set aside from the interest or expense fund any surplus not required for the payment of operating expenses, interest, or outstanding certificates. Such surplus shall be credited to a Rural Credit Reserve fund. Said fund shall, upon request of the Conservator, be invested by the state board of investment in the same class of securities in which the trust funds of the state may be invested. Said board shall have authority to sell any securities purchased for said fund, when authorized by the Conservator, for the purpose of providing funds with which to pay maturing bonds, or interest upon outstanding bonds, or to make up any loss resulting from the operations of the Department, or for purchasing other securities. All losses upon loans shall be a charge against the reserve fund and all profits

resulting from the sale of real estate acquired through foreclosure proceedings or otherwise, after deducting expenses, shall be credited thereto. All interest earned upon the reserve fund shall be credited to such fund and become a part thereof. The Conservator may authorize the state board of investment to invest for short periods any temporary cash surplus in the Rural Credit fund, such investment to be restricted to United States Government or State of Minnesota obligations. If at any time a surplus shall accrue in the Rural Credit fund the Conservator may invest such surplus in the same manner as any money in the Reserve fund is to be invested. Any securities purchased by said board of investment with any money in the Rural Credit fund, as herein provided, shall be sold at the request of the Conservator. (As amended Act Apr. 17, 1941, c. 288, §1.)

RURAL CREDIT FUNDS

PREAMBLE

WHEREAS, Laws 1923, Chapter 225, provided for a system of Rural Credit for lending money by the state on mortgages on real estate within the state, and authorized the state to borrow money for such purpose by the issuance of bonds, and to borrow money by the issuance of certificates of indebtedness for the purpose of meeting payments of principal and interest on such borrowings which could not otherwise be met, and the good faith and credit of the state was pledged for the payment of the principal of and interest on moneys so borrowed; and,

WHEREAS, pursuant thereto, bonds were issued and sold in the amount of \$61,000,000, and there are now outstanding bonds thus issued in the principal amount of \$44,500,000 and certificates of indebtedness heretofore issued in the principal amount of \$15,540,000; and,

WHEREAS, the state of Minnesota, department of rural credit, has sustained and will continue to sustain substantial losses by reason of reduction in value of real estate and difference in interest received by it on its interest-bearing paper as against interest heretofore paid and hereafter to be paid on the bonds and certificates of indebtedness, together with cost of operation thereof; and,

WHEREAS, by reason of such losses, there will be insufficient moneys in the rural credit fund and rural credit interest fund with which to pay the principal and interest on such bonds and certificates of indebtedness when due, and such deficit will be in excess of \$40,000,000;

THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6057-6. Rural credit funds—Certificates of indebtedness—Appropriation.—There is hereby appropriated the sum of \$40,000,000 for (a) discharging deficiencies in the rural credit fund and rural credit interest fund occurring by reason of moneys therein being insufficient to pay principal and interest payable therefrom as such principal and interest fall due on bonds and certificates of indebtedness heretofore issued or hereafter to be issued pursuant to Laws 1923, Chapter 225, and acts amendatory thereof, which appropriation is hereby made available in such amounts and at such times as may be necessary for discharging such deficiencies as such payments fall due; and (b) for the payment of interest on certificates of indebtedness issued pursuant to this act; to be disbursed in the manner provided by law. (Act Apr. 26, 1941, c. 463, §1.)

6057-7. Taxation—Levy.—For the purpose of providing the funds appropriated by this act, there is hereby levied upon all the taxable property in this state a tax sufficient to produce \$40,000,000, which the state auditor is hereby authorized and directed to cause to be extended and collected in the manner in which other state taxes are extended and collected, to be included in the levies spread upon the tax rolls for the years 1942 to 1965, inclusive, in amounts sufficient to produce the sum of \$1,500,000 in each of the years 1943 to 1966, inclusive, plus additional amounts sufficient to produce such sums as may be necessary to pay the interest upon certificates of indebtedness issued pursuant to the provisions of this act. It is hereby declared that all of such tax is levied for the discharge of indebtedness incurred prior to and existing at the time of passage of Laws 1937,

Extra Session, Chapter 86. (Act Apr. 26, 1941, c. 463, §2.)

6057-8. Same—Disposition of proceeds of levy.—The proceeds of such tax levies and of the sale of certificates of indebtedness issued hereunder shall be credited to a special fund to be known as the rural credit deficiency fund, which is hereby created. After any certificates of indebtedness have been issued hereunder, the state treasurer shall segregate and retain in the rural credit deficiency fund, out of the proceeds of the tax levies made pursuant to Section 2 hereof, all thereof levied for the payment of interest on such certificates and as much as may be necessary of the levies specifically pledged for payment of the principal of the respective issues, and shall disburse the same only in payment of the principal of and interest on such certificates, and such moneys are hereby appropriated for such purposes. Any other moneys in said fund are hereby appropriated for and shall be transferred to the rural credit fund or the rural credit interest fund from time to time as needed to discharge the deficiencies mentioned in Section 1 hereof. Any moneys remaining in said fund after full payment of all bonds and certificates of indebtedness issued pursuant to Laws 1923, Chapter 225, or amendments thereof, and all issued pursuant to this act, shall be transferred to the revenue fund. (Act Apr. 26, 1941, c. 463, §3.)

6057-9. Certificates of indebtedness—Issuance and sale.—The conservator of rural credit, with the approval of the executive council, is hereby authorized, in anticipation of the collection of the taxes specified in Section 2 hereof, to issue and sell certificates of indebtedness in the manner and subject to the limitations herein prescribed. Such certificates shall be known as rural credit deficiency fund certificates of indebtedness, and shall be issued only (a) when there is insufficient money in the rural credit fund or in the rural credit interest fund, as the case may be, to meet payments which are then due or about to become due and are required by law to be made therefrom for principal or interest on bonds or certificates of indebtedness and money then in the rural credit deficiency fund is not available or not sufficient for such purposes, or (b) when certificates previously issued pursuant hereto are due or about to become due or redeemable and sufficient moneys are not available in the rural credit deficiency fund for their payment. In either case, the amount of certificates so issued shall be limited to the amount of such deficiencies. Such certificates shall mature at such time or times during the years 1944 to 1967, inclusive, as the conservator of rural credit shall determine, with the approval of the executive council, provided that the aggregate principal amount maturing in any one of said years shall not exceed \$1,350,000. All certificates maturing more than three years after their date must be made redeemable at par at the expiration of such three years and on each interest payment date thereafter, upon such notice, as the conservator of rural credit, with the approval of the executive council, shall determine prior to their issuance. Any certificates may similarly be made redeemable on any interest payment date prior to the expiration of such three years. Rural credit deficiency fund certificates of indebtedness shall bear such date of issue, be of such denominations, and the principal and semi-annual interest thereon shall be payable at such place or places, as the conservator of rural credit shall determine, with the approval of the executive council. The conservator of rural credit, with approval of the executive council, may, prior to the issuance of certificates hereunder, prescribe in favor thereof such liens on, or priorities in payment from, the taxes anticipated thereby as may be found advisable. The certificates shall be in a form approved by the attorney general, shall bind the state to pay the same according to their terms, and shall be signed by the conservator of rural credit, attested by the secre-

tary of state, and sealed with the great seal of the state, provided that facsimile signatures of the conservator of rural credit and secretary of state shall be sufficient upon interest coupons. (Act Apr. 26, 1941, c. 463, §4.)

6057-10. Same—Offered to state board of investment.—Prior to the issuance of any rural credit deficiency fund certificates of indebtedness, the conservator of rural credit shall offer them to the state board of investment, without prior advertisement for bids, upon such terms as to interest rates and prices as the executive council shall prescribe after receiving the recommendations of the conservator of rural credit in respect thereto. Said board is hereby authorized to invest any funds under its control in such certificates and is hereby requested, but not directed, to purchase all so offered to it, to the extent it has funds available therefor. In event the board shall decline to purchase any certificates so offered to it, they shall be sold at not less than par upon competitive sealed bids after at least two weeks' published notice. The conservator of rural credit, with approval of the executive council, shall have full authority to prescribe such rules and regulations in connection with such public sale, consistent with this act, as he may find necessary or advisable. Notwithstanding that the board shall have declined to purchase the certificates on the terms offered to it, the board may bid for their purchase upon such public sale, at such prices as the board deems advisable. (Act Apr. 26, 1941, c. 463, §5.)

6057-11. Same—Recording—Statement of conservator—Filing.—After the sale and before the delivery to the purchaser of certificates of indebtedness issued pursuant hereto, they shall be presented to the state auditor, who shall make a record showing the number, amount, date of issue, date of maturity, and interest rate of each certificate, and the state auditor or his deputy shall certify thereon that such record has been made, and after such certification the conservator of rural credit shall forthwith file with the commissioner of administration a statement showing the number, amount, date of issue, date of maturity, and interest rate of each of such certificates. (Act Apr. 26, 1941, c. 463, §6.)

6057-12. Construction of act.—The provisions of this act are intended to be, and shall be construed as supplemental to any and all provisions of law heretofore in force relating to the payment, funding, or refunding of rural credit bonds or rural credit certificates of indebtedness. To the extent that payment of principal or interest falling due on such bonds or certificates of indebtedness cannot be made from moneys in the respective funds from which such payments are provided by law to be made and cannot be made from proceeds of taxes levied pursuant to Section 2 hereof without anticipation thereof by the issuance of certificates of indebtedness hereunder, the conservator of rural credit may provide for such payments of any part thereof by the issuance of rural credit certificates of indebtedness in accordance with Laws 1923, Chapter 225, as amended. In event there shall be any moneys in or accruing to the rural credit fund or rural credit interest fund after full payment of all principal of and interest on bonds and certificates of indebtedness payable therefrom, (a) if there shall then be outstanding any rural credit deficiency fund certificates of indebtedness, such moneys shall be transferred to the rural credit deficiency fund to be used to pay such rural credit deficiency fund certificates of indebtedness, and thereupon tax levies directed by Section 2 hereof to be made which have not then been extended upon the tax rolls shall be reduced by amounts equal to the sum so transferred; but (b) if there are then no outstanding rural credit deficiency fund certificates of indebtedness, all of such tax levies which have not then been extended upon the tax rolls shall be cancelled and the moneys in and

accruing to the rural credit fund and rural credit interest fund shall be transferred to the revenue fund. (Act Apr. 26, 1941, c. 463, §7.)

ACCOUNTING OF CO-OPERATIVE ASSOCIATIONS

6124. Appropriations to be expended by, etc.

Dean of Department of Agriculture, in his discretion, may withhold appropriation for payment of salary of any county agent who has not been approved by him. Op. Atty. Gen., (122a-1), May 7, 1940.

6126. Executive committee to formulate program.

Dean of Department of Agriculture is authorized to withhold approval of appointment of a county agricultural agent, notwithstanding he has been approved for re-appointment by extension committee. Op. Atty. Gen., (122a-1), May 7, 1940.

County agricultural agents are employees of the University of Minnesota and do not come under Veterans' Preference Law. Op. Atty. Gen., Aug. 1, 1940.

MISCELLANEOUS

WILD RICE

6131-5. To be harvested by Indians only in certain Indian reservations.—It shall be unlawful prior to November 1, 1943, for any person to take wild rice grain from any of the waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fondulac and Mille Lacs Reservations, except said persons be of Indian blood, or residents of the reservation upon which said wild rice grain is taken. (As amended Act Apr. 14, 1941, c. 217, §1.)

6131-6. Unlawful to harvest with boats exceeding certain size.—It shall be unlawful to use in harvesting wild rice in any public waters of this state, any water craft other than a boat, skiff or canoe propelled by hand, which boat, skiff or canoe may have a top width of not more than 36 inches and a length of not more than 16 feet or any machine or mechanical device for gathering or harvesting the grain other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand. (As amended Act Apr. 14, 1941, c. 217, §2.)

6131-7. Must have license to harvest.—It shall be unlawful for any person to take from any of the public waters of this state any wild rice grain either for commercial or domestic use, unless such person shall first have obtained from the director of game and fish a license so to do. It shall be unlawful for any person in his wild rice harvesting, to operate more than three boats at any given time. It shall be unlawful for any person to have in possession any wild rice grain harvested in violation of the provisions of this act or the orders or regulations of the commissioner of conservation promulgated thereunder. (As amended Act Apr. 14, 1937, c. 217, §3.)

6131-8. Definitions—Ownership in state.

Subdivision 1. For the purposes of this act the word "person" shall include any firm, corporation, association or co-partnership.

Subdivision 2. The ownership of all wild rice grain growing in the public waters of this state insofar as it is capable of ownership, is hereby declared to be in the state and no person shall acquire any property therein except as authorized by this act. (As amended Act Apr. 14, 1941, c. 217, §4.)

6131-9. License fees.—The fee for such license shall be 50 cents. The applicant for such license shall make an application to the director of game and fish upon forms furnished by the director, which application shall give the name of the applicant, his place of residence, whether of Indian blood, tribal relation, if any, names of members of his family and ages thereof who are to engage in wild rice harvesting and the names of bodies of water and counties in which applicant proposes to operate. Licenses shall be granted for the calendar year only and all members of a family shall be entitled to engage in the harvesting of wild rice under a license issued to the head of the family,

provided said members procure an identification card which shall be issued for each member upon request to the director. Agents for the sale of such licenses shall be provided as close as practicable to the shore of each rice bed open for harvesting. (As amended Act Apr. 14, 1941, c. 217, §5.)

6131-11. Wholesale dealers to be licensed.—No person shall buy wild rice grain for the purpose of re-sale from any person who has harvested the same without first having obtained a license so to do from the director of game and fish. The fee for such license shall be \$5.00. Provided this license shall not be required for the first 500 pounds of rice so purchased. (As amended Act Apr. 14, 1941, c. 217, §6.)

6131-12. Unlawful to harvest immature wild rice.—It shall be unlawful to harvest, sell or purchase immature wild rice. For the purpose of this act, immature wild rice shall be defined as any wild rice of which more than 15 per cent of the grains by count are adherent to any portion of the stalk or stem. (As amended Act Apr. 14, 1941, c. 217, §7.)

6131-14. Commissioner to appoint director.—The commissioner of conservation shall appoint a director of the wild rice harvest, who shall be a man of proven experience in the actual cultivation and harvesting of wild rice and such assistants as may be deemed necessary. The said director shall serve at the will of the commissioner and shall not be within the classified service of the state. He shall be paid such salary not to exceed the sum of \$200.00 a month as may be determined by the commissioner and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish. Said director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested. Said director with the approval of the conservation commissioner shall prescribe such further rules and regulations as may be necessary to properly carry out the purposes of this act and to properly regulate the harvest. He may with the approval of the conservation commissioner appoint in addition to the paid assistants appointed by the commissioner, deputies to serve without pay to assist him in any or all of his duties. The commissioner of conservation is hereby authorized to designate the season for the harvesting of the wild rice in each lake or rice bed or close the same upon the recommendation and report of the said director of rice harvest, notice of said season to be published five days, or less, in advance. (As amended Act Apr. 14, 1941, c. 217, §8.)

6131-16. Definition.—The term "family" for the purpose of this act is defined as the immediate family, i.e., husband and wife and minor children having their abode and domicile with such parent or legal guardian, and wards so domiciled. (As amended Act Apr. 14, 1941, c. 217, §9.)

POTATO SEED INSPECTION

6139-1. Definitions.

Agricultural seed inspection, §§3957-27 to 3957-30.

6139-2. Inspection and certifying of seed potatoes authorized—Creation of demand and sale.—The inspection, certification, promotion of quality, and creation of demand and sale of seed potatoes by or under the direction of the commissioner as herein provided, is hereby authorized. (As amended Act Apr. 10, 1941, c. 197, §1.)

6139-3. Duties of commissioner—Forms—Records—Officers, inspectors and employees.—The commissioner is hereby authorized and it is made his duty to provide the means and direct the work for the inspection, certification, promotion of quality, and creation of demand and sale of seed potatoes. He shall provide such forms as are necessary and keep a

record of the work performed, and shall appoint, designate or employ such officers, inspectors and employees as may be deemed necessary and fix their compensation. (As amended Act Apr. 10, 1941, c. 197, §2.)

NOXIOUS BUSHES AND WEEDS

6153. Occupants or owners of land to destroy noxious weeds.

Landowners cannot be compelled to mow grass and weeds on township roads, law being limited to noxious weeds. Op. Atty. Gen. (322g), Feb. 26, 1941.

6155. Destruction of noxious weeds on public highways.

Landowners cannot be compelled to mow grass and weeds on township roads, law being limited to noxious weeds. Op. Atty. Gen. (322g), Feb. 26, 1941.

6157. Local weed inspectors.

Township weed inspector has no jurisdiction to take action regarding noxious weeds within limits of a village separated from township for local government and assessment purposes. Op. Atty. Gen. (322f), July 30, 1940.

6161. Notices—Expenses—Lien.

County board may not furnish chlorate to farmers for the control of Jenny. Op. Atty. Gen., (322G), August 1, 1939.

A weed lien is good as against mortgagee who subsequently obtained possession of the land. Op. Atty. Gen., (322a-2), Nov. 7, 1939.

Charges are enforceable against land and not against owner personally. Op. Atty. Gen., (322G), Jan. 17, 1940.

Officer rendering service in destroying weeds on land within a village should furnish statement of expenses to clerk, who should thereafter issue an order for payment and should certify amount thereof to county auditor for extension on tax books. Id.

Officer rendering service in destroying weeds in a township outside of an incorporated village should file a verified statement of his expenses with county auditor, and that officer should pay him amount thereof, and thereafter extend it on tax books as a lien against land. Id.

Residence or non-residence of land owner is immaterial. Id.

This section gives no right to a lien for weeds destroyed pursuant to §6164-4 to §6164-11. Op. Atty. Gen., (322g), Jan. 31, 1940.

6164-9. Expenses to be paid from fund provided—Territory within a municipality.

County board may not furnish chlorate to farmers for the control of Jenny. Op. Atty. Gen., (322G), August 1, 1939.

(a.) Such time as a state inspector devotes to supervising administration upon any particular tract of land should properly be considered a part of "field operation", but there should not be any reimbursement for salaries of state inspectors engaged only in general administration of the law. Op. Atty. Gen., (322a-2), April 1, 1940.

(c.) Municipality is not entitled to reimbursement by way of a lien upon the land. Op. Atty. Gen., (322g), Jan. 31, 1940.

WHOLESALE PRODUCE DEALERS

6240-18½. Dealers at wholesale.—For the purposes of this act any person who shall buy or sell or contract to buy or sell, or who shall handle in wholesale lots for the purpose of resale, or who shall handle on account of or as an agent for another, any produce as herein defined, and any person who shall similarly engage in the business of assembling and trucking produce without an established place of business, shall be deemed a dealer at wholesale; provided that co-operative associations having not more than forty per cent (40%) of non-member patrons shall not be deemed dealers at wholesale within the

meaning of this Act; provided further, that no person shall be deemed a dealer at wholesale within this act who purchases, and pays, in cash, in full at the time of purchase, Minnesota seasonal grown products of the farm, orchard, vinyard, garden and apiary for transportation to destinations outside of this state and who within 72 hours thereafter transports the same to its destination outside of this state. (As amended Act Apr. 19, 1941, c. 318, §1.)

Act Apr. 19, 1941, c. 318, §2, provides that the provisions of this act shall be separable, and if any provision or the application of any provision hereof shall be held unconstitutional, or invalid, it shall not affect any other provision or application thereof.

Every wholesale ice cream manufacturer is required to comply with conditions of act, secure license and file bond, notwithstanding that they do not deal directly with producer but obtain cream from Twin City Milk Producers Association. Op. Atty. Gen., (832J-2), March 18, 1940.

6240-18½ a. Definitions.

Oysters are "fish". Op. Atty. Gen., (832J-3), March 12, 1940.

6240-18½ c. Licenses—Fees—Bonds.

(d.)

Wholesale Produce Dealers' License fees received with applications for licenses which were not received for any reason may not be refunded. Op. Atty. Gen. (196S), Jan. 13, 1941.

6240-18½ e. Aggrieved parties may file complaint with commissioner.

Where at time of filing of complaint due date of some items antedated filing by a sufficient time to render them uncollectible in the proceedings, and thereafter an arrangement was made whereby produce dealer made a number of payments without any agreement as to application thereof, creditor could apply payments to the uncollectible items, and bondsman could not complain thereof though it had no notice of the filing of the complaint. Op. Atty. Gen., (832k-3), Oct. 24, 1939.

A person who sells oysters to a licensed wholesale produce dealer is protected by bond. Op. Atty. Gen., (832J-3), March 12, 1940.

6240-18½ f. Commissioner to establish grades.

Commissioner of Agriculture may enter into a cooperative agreement with United States Department of Agriculture whereby inspectors of state department are licensed by United States department to inspect and grade and issue federal, or federal-state grading certificates, though fees covering grading certificates are collected and paid directly into federal treasury, which in turn refunds state portion of grading fees to state treasury, subject to approval of attorney general. Op. Atty. Gen. (136), Sept. 5, 1940.

6240-18½ n. May co-operate with the United States department of agriculture.

Commissioner of Agriculture may enter into a cooperative agreement with United States Department of Agriculture whereby inspectors of state department are licensed by United States department to inspect and grade and issue federal, or federal-state grading certificates, though fees covering grading certificates are collected and paid directly into federal treasury, which in turn refunds state portion of grading fees to state treasury, subject to approval of attorney general. Op. Atty. Gen. (136), Sept. 5, 1940.

6240-18½ o. Violations—Penalties.

Fines collected under this act should be paid to county treasurer. Op. Atty. Gen. (135a-4), Nov. 26, 1940.

DISCRIMINATION IN PURCHASE OF FARM PRODUCTS

6248-3. Discrimination prohibited.

Act is still valid with respect to those cases where cost of transportation can be ascertained with reasonable certainty. Op. Atty. Gen. (135a-3), Jan. 4, 1941.

CHAPTER 39

Bounties and Rewards

6249. For timber growing—Appropriation.—Every person who shall plant one acre or more of land with forest trees of any kind other than black locust, and shall keep such trees growing in a thrifty condition, and not more than twelve feet apart either way, replacing yearly such as may die, or who shall

maintain and manage an existing stand of timber on one acre or more of land; the owner residing thereon, such stand of timber shall not be less than 600 forest trees per acre, well spaced, shall receive from the state two dollars and fifty cents per acre therefor for six successive years, not exceeding, however, twenty-